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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 Lora Reidhead,

No. CV-21-1827-PHX-MTL

10 Plaintiff,

ORDER

11 v.

12 Commissioner of Social Security
13 Administration,

14 Defendant.

15 Pending before the Court is Plaintiff Lora Reidhead's unopposed Motion for Award
16 of Attorney's Fees Under 42 U.S.C. § 406(b). (Docs. 24, 25.) Section 406(b)(1) authorizes
17 the recovery of reasonable attorney's fees from the award of past-due benefits.

18 Whenever a court renders a judgment favorable to a claimant
19 under this subchapter who was represented before the court by
20 an attorney, the court may determine and allow as part of its
21 judgment a reasonable fee for such representation, not in
22 excess of 25 percent of the total of the past-due benefits to
23 which the claimant is entitled by reason of such judgment, and
24 the Commissioner of Social Security may, notwithstanding the
25 provisions of section 405(i) of this title, but subject to
subsection (d) of this section, certify the amount of such fee for
payment to such attorney out of, and not in addition to, the
amount of such past-due benefits.

26 42 U.S.C. § 406(b)(1)(A).

27 Plaintiff prevailed in her appeal to this Court from the administrative law judge's
28 decision, obtaining a stipulated remand to offer Plaintiff a new decision. (Docs. 19, 20.)

1 This remand resulted in Defendant awarding \$52,836.78 in past due benefits to Plaintiff.
 2 (Doc. 24-2 at 2.)

3 Having successfully litigated this case, Plaintiff's Counsel seeks an award of
 4 \$13,209.19 in fees from Plaintiff's recovery. (Doc. 24 at 1.) The Court previously awarded
 5 Plaintiff \$4,902.91 in attorney fees pursuant to the Equal Access to Justice Act ("EAJA").
 6 (Docs. 22, 23.) Plaintiff's Counsel acknowledges that a § 406(b)(1) fee award must be
 7 offset by the previously awarded EAJA attorney fee. (Doc. 24 at 12-13.)

8 The Court finds that the representation agreement between Plaintiff and her Counsel
 9 represents a lawful contingency fee agreement. *See Gisbrecht v. Barnhart*, 535 U.S. 789,
 10 793 (2002). In that agreement, Plaintiff agreed to pay 25 percent of all past-due benefits
 11 and acknowledged that the Social Security Administration would withhold 25 percent of
 12 the past-due benefits to pay for attorneys' fees. (Doc. 24-4 at 1.) Counsel spent 22.82 hours
 13 resolving this case. (Doc. 24-3.) The Court further finds that the effective hourly rate of
 14 \$578.84 for work performed before the District Court is a reasonable hourly rate
 15 considering the type of work, Counsel's experience, and the contingency nature of the fee
 16 agreement. The Court finds that the hours expended by Counsel at the District Court are
 17 reasonable. Finally, the Court finds that the requested fee award is below the statutory cap
 18 of 25 percent of the total past-due benefits.

19 Accordingly,

20 **IT IS ORDERED** that the Motion (Doc. 24) is **GRANTED**. Plaintiff's Counsel is
 21 awarded attorney's fees in the amount of \$13,209.19 pursuant to 42 U.S.C. § 406(b)(1).

22 **IT IS FURTHER ORDERED** that Plaintiff's Counsel shall reimburse Plaintiff in
 23 the amount of \$4,902.91, representing the EAJA fees previously awarded.

24 Dated this 17th day of January, 2025.

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Michael T. Liburdi

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Michael T. Liburdi
 28 United States District Judge